

NTSB Order No. EA-5202

Issued under delegated authority (49 C.F.R. 800.24)
on the 12th day of January, 2006

Respondent.

(a) Appeal brief....each appeal must be perfected, within 50 days after the date on which the oral initial decision was rendered, or 30 days after the date on which the written initial decision or appealable order was served, by the filing, and simultaneous service on the other parties, of a brief in support of the appeal. An appeal may be dismissed by the Board, either on its own initiative or on motion of another party, where a party who has filed a notice of appeal fails to perfect the appeal by filing a timely appeal brief.

motion, to which respondent filed no responsive pleading, is granted.

The record establishes that respondent failed to file a timely notice of appeal² from the law judge's September 29, 2005 written order,³ and further that he did not file an appeal brief within the time period prescribed by our rules, that is, by October 31.⁴ Either one of these failures would be sufficient grounds for dismissal.

In the absence of good cause to excuse a failure to file a timely notice of appeal, or to file a timely appeal brief or extension request, dismissal of an appeal is required by Board precedent and policy. See Administrator v. Hooper, 6 NTSB 559 (1988).

ACCORDINGLY, IT IS ORDERED THAT:

1. The Administrator's motion to dismiss is granted; and
2. Respondent's appeal is dismissed.

Karen R. Lanier
Acting General Counsel

² Respondent's notice of appeal was due on October 11, but was filed on October 12.

³ The Administrator revoked any and all air carrier certificates held by respondent. The law judge denied respondent's motion to dismiss and granted the Administrator's motion for summary judgment.

⁴ Thirty days from September 29 was a Saturday; therefore, the brief was due on the next business day, which was Monday, October 31.